

3 MAR 2006

DOCKET NO:: SC0978EG

UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICANT(S):

Anthony Newton

APPLICATION NO.:

10/521,417

FILED:

January 5, 2005

GROUP ART UNIT:

Unknown

TITLE:

TRANSMITTER AND RECEIVER GAIN CALIBRATION BY MEANS

OF FEED-BACK IN A TRANSCEIVER

Certificate of Mailing

Date of deposit:

I hereby certify that this paper is being deposited with the United States Postal Service on the date indicated above, as first-class mail, with sufficient postage attached thereto, in an envelope addressed to the Commissioner for Patents, Alexandria, VA 22313.

RECENED 29 STUN 2006

International Oivision

Signature of Person Mailing Paper

Stacie Herrera

Printed Name of Person Mailing Paper

Mail Stop Missing Parts Commissioner for Patents P. O. Box 1450 Alexandria, VA 22313-1450

PETITION UNDER 37 CFR 1.47

Sir:

Responsive to the Notice to File Missing Parts of Application mailed July 1, 2005, and in view that both inventors involved with this application for patent appear not to be willing to sign a declaration, the applicant hereby petitions that this application be made on behalf of the inventors. This US Application was filed claiming priority from a PCT Application (Application No. PCT/EP2003/006753, filed on June 25, 2003) and Great Britain Application (Application No. 0215582.8, filed on July 5, 2002).

This petition alleges that <u>Anthony Newton</u> and <u>Heinz Lehning</u> were not employed with Freescale Semiconductor, Inc. at the time of filing the US application.

This petition also alleges that Motorola, Inc. assigned its right to this patent application to Freescale Semiconductor, Inc.

This petition includes proof of the pertinent facts, the fee set forth in § 1.17 (h), and the last known address of both inventors. Applicant respectfully requests the granting of this petition in the above-referenced application.

This petition accompanies the oath and declaration in this application, which is submitted concurrently herewith. In addition, a petition for an appropriate extension of time to respond is submitted herewith.

STATEMENT OF THE PERTINENT FACTS

- 1. On April 13, 2005, Freescale Semiconductor, Inc.'s foreign agent, Impetus IP, Ltd. forwarded to Anthony Newton, via TNT International, a hardcopy of the application, assignment and agreement, and declaration for his signature. (See Exhibit 1 and Exhibit 3)
- 2. On April 13, 2005, Freescale Semiconductor, Inc.'s foreign agent, Impetus IP, Ltd. forwarded to Heinz Lehning, via TNT International, a hardcopy of the application, assignment and agreement, and declaration for his signature. (See Exhibit 2 and Exhibit 3)
- 3. On September 1, 2005, Isabelle Barbe, an employee of EMEA Freescale Semiconductor, Inc., forwarded to Anthony Newton and Heinz Lehning, via email, a softcopy of the application, assignment and agreement, and declaration for their signature. (See Exhibit 4)
- 4. On June 18, 2003, Anthony Newton signed the Power of Attorney to Attorneys for Motorola, European Intellectual Property Operations for the PCT Application No. PCT/EP2003/006753, filed on June 25, 2003. (See Exhibit 5)
- 5. On June 11, 2003, Heinz Lehning signed the Power of Attorney to Attorneys for Motorola, European Intellectual Property Operations for the PCT Application No. PCT/EP2003/006753, filed on June 25, 2003. (See Exhibit 6)
- 6. Motorola, Inc. assigned its right to the Application to Freescale Semiconductor, Inc. effective as of April 4, 2004. (See Exhibit 7)
- 7. On January 5, 2005, the above identified patent application was filed with the USPTO, with an unsigned oath and declaration, naming as joint inventors: (1) Anthony Newton and (2) Heinz Lehning.
- 8. As of today, March 1, 2006, the undersigned, Impetus IP, Ltd., or EMEA Freescale Semiconductor, Inc. has not received any signed declaration document for S/N 10/521,417 (SC0978EG) from either Anthony Newton or Heinz Lehning.

REMARKS

From the statement of the pertinent facts above and the attached exhibits, it is submitted that over a period of time from April 2005 to September 2005, the undersigned through Impetus IP, Ltd., or EMEA Freescale Semiconductor, Inc., has provided to Anthony Newton and Heinz Lehning copies of the patent application and declaration document in the instant application. Anthony Newton and Heinz Lehning have received the patent application and declaration document, and neither Mr. Newton, or Mr. Lehning have provided their signature on the declaration document in the instant application. Accordingly, it is respectfully submitted that Mr. Anthony Newton and Mr. Heinz Lehning have refused to join in this application for patent.

In connection with the filing of missing parts in the instant application, and in view of the potential for the instant application going abandoned for failure to respond to the request for filing of missing parts, the applicant hereby petitions that this application be made by applicant, Freescale Semiconductor, Inc., on behalf of the non-signing inventors. This petition includes proof of the pertinent facts, the fee set forth in § 1.17(h), and the last known address of the non-signing inventors, given below. Applicant respectfully requests the granting of this petition in the above referenced application.

Last Known Address of the Non-Signing Inventors:

Anthony Newton Les Jordils Le Vaud, 1261 CH Switzerland

Heinz Lehning
3 Chemin Des Grandes Pres
Tannay, 1295 CH
Switzerland

The Commissioner is hereby authorized to charge all fees due to Account No. 503079. A fee transmittal is enclosed.

An early formal notice of the granting of this petition is respectfully requested.

Respectfully submitted,

SEND CORRESPONDENCE TO:

FREESCALE SEMICONDUCTOR, Inc.

Law Department

Customer Number: 23125

By:

DAVID G. DOLEZAL Attorney of Record

Reg. No.: 41,711 Telephone: (

(512) 996-6839 Fax No.:

(512) 996-6853

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IMPETUS IP LTD
GROVE HOUSE
LUYTONS CLOSE
BASINGSTOKE, HAMPSHIRE
RG24 8AG
UNITED KINGDOM

For Involce enquiry please catl: 08457 646564 For Service / Delivery enquiry please catl: 08705 446655 TNT International

P.O. Box 186 Ramabottom Bury BL0 9GR

Telephone: 08457 646564 Fax: 08457 646565 VAT Reg. No GB 354 7150 57

Bankers:

National Westminster Ptc 24 Deanegate Bolton BL1 1BN Bank Sort Code 01 30 99 Account No. 23908394

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Exhibit 3

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A-ACTUAL WEIGHT I-ITEMS S-SENDER PAYS

Redistered Office: TNT UK Ltd. PO Box 99, Railway Street, Remsbottom, Bury, Lancashire, BLO SAL Registration Number 1628530

Herrera Stacie-R00135

From:

Barbe Isabelle-ibar01

Sent:

Thursday, September 01, 2005 11:02 AM

To:

'tonynewton@bluewin.ch'; 'glnewton@tm.net.my'

Cc:

'Susan Grant'; 'Gail Tanner (gail.tanner@impetus-online.co.uk)'; Herrera Stacie-R00135;

Wharmby Martin-AMW025

Subject:

SC0978EG US Assignment and Declaration

Importance: High

Attachments: SC0978EG US DECLARATION.doc; SC0978EG US ASSIGNMENT1.doc

Mr Newton,

Could you please print and sign the attache Oath and Assignement for the US filing of the patent SC0978EG with the title "METHOD AND APPARTUS FOR GAIN CALIBRATION"? USPTO requires your signature on those documents, only yours is missing.

We need these documents signed by you (and 2 witnesses of your choice for the Assignement) before 20th September 2005 by express mail (UPS, DHL...)

For any question please contact me,

Regards

Isabelle Barbé

EMEA Law Department's assistant

FREESCALE Semiconducteurs France SAS 134 avenue du Général Eisenhower BP 72329 31023 Toulouse Cedex 1 France

Tél: +33 5 61 19 17 43 Fax: +33 5 61 41 58 42

mail to: isabelle.barbe@freescale.com

O General Business Information O Freescale Internal Use Only

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Exhibit 4

PCT

POWER OF ATTORNEY

(for an international application filed under the Patent Cooperation Treaty)

(PCT Rule 90.4)

The undersigned applicant(s) (Names should be indicated	ed as they appear in th	e request):
hereby appoints (appoint) the following person as:	X agent	common representative
Name and address (family name followed by given name, for a legal entity, full off name of country.)	ficial designation. The ad	dress must include postal code and
GIBSON, Sarah / WHARMBY, LITCHFIELD, Laura/McCORM		- ·
Motorola, European Intellectual	Property Operation	S
Midpoint, Alencon Link		
Basingstoke		
Hampshire, RG21 7PL	•	
United Kingdom		
to represent the undersigned before X	the International	International Authorities Searching Authority only Preliminary Examining Authority only
in connection with the international application identified	below:	
Title of the invention: A Method And App	aratus For Gain Calil	oration
Applicant's or agent's file reference: SC0978E	G/PCT	
International application number (if already avai	lable):	
filed with the following Office European Patent C or receive payments on behalf of the undersigned.	Office	as receiving Office and to make
Signature of the applicant(s) (where there are sever the name of the person signing and the capacity in which the per t or this power)	zon signs, if such capacit	y is not obvious from reading the
OF Pleastons NEWTON, Anthony	18 H	June 2003
NEWTON, Anthony	Dated	
I FUNING Hains	Dated	

PCT POWER OF ATTORNEY

(for an international application filed under the Patent Cooperation Treaty)

(PCT Rule 90.4)

·		
The undersigned applicant(s) (Names should be indicated as they	y appear i	n the request):
hereby appoints (appoint) the following person as:	agent	common representative
Name and address (family name followed by given name, for a legal entity, full official designame of country.)	nation. Th	e address must include postal code and
GIBSON, Sarah / WHARMBY, Martin / LITCHFIELD, Laura/McCORMACK, I Motorola, European Intellectual Property Midpoint, Alencon Link Basingstoke Hampshire, RG21 7PL United Kingdom	Derek/S7	TASIEWSKI, Piotr
the	Internatio	tent International Authorities nal Searching Authority only nal Preliminary Examining Authority only
in connection with the international application identified below:		
Title of the invention: A Method And Apparatus Fo	or Gain C	alibration
Applicant's or agent's file reference: SC0978EG/PCT		
International application number (if already available):		
filed with the following Office European Patent Office or receive payments on behalf of the undersigned.		as receiving Office and to make
Signature of the applicant(s) (where there are several applica- te the name of the person signing and the cupacity in which the person signs, it or this power)	nts, each o if such cap	f them must sign next to each signature acity is not obvious from reading the
NEWTON, Anthony	Dat	1
LEHNING, Heinz	Dat	/une 11, 2003
	/	

PATENT ASSIGNMENT

This Patent Assignment is between Motorola, Inc. ("Assignor") and Freescale Semiconductor, Inc. ("Assignee"). Capitalized terms used in this Patent Assignment have the ame meanings given to them in the Agreement.

- 1. For good and valuable consideration, receipt of which the Assignor acknowledges, and by signing and delivering this instrument, the Assignor sells, assigns, transfers, conveys, and delivers to the Assignee all of the Assignor's right, title, and interest in and to:
 - (a) the patents, patent applications and invention disclosures specifically listed in Schedule 1 to this Patent Assignment; and
 - (b) the following properties and rights with respect to all patents and patent applications so listed in Schedule 1:
 - (i) the inventions claimed or described in the patents or applications,

any patents in the United States and anywhere else in the world and patent applications that have been or may be granted or filed, respectively, with respect to those inventions, including without limitation all foreign patents that may claim priority based on and correspond to the patents listed in Schedule 1,

all divisions, renewals, reissues, continuations, extensions, and (if filed by or for Assignee) continuations-in-part of the foregoing patents,

all income, royalties, damages, and payments due or payable to the Assignor with respect to the patents, including without limitation unpaid damages and payments for past, present, and future infringements of any patent and

all rights to sue and recover damages and payments for past, present, and future infringements of any of the patents, including the right to fully and entirely replace the Assignor in all related matters.

- 2. The foregoing rights in and under the patents shall apply to the full end of their terms as fully as the Assignor would have held the same in the absence of this assignment. As of the date set forth below, the Assignee has succeeded to all right, title, and standing of the Assignor to (a) receive all rights and benefits pertaining to the patents described above, and (b) commence, prosecute, defend and settle all claims and take all actions that the Assignee, in its sole discretion, may elect in relation to the patents and rights described above.
- 3. This Patent Assignment (a) is irrevocable and effective upon the Assignor's signature to and delivery of a manually signed copy of this instrument or facsimile or email

Exhibit 7

transmission of the signature to this instrument in connection with the execution of the Agreement, if and only if the such execution occurs, (b) benefits and binds the parties to the Agreement and their respective successors and assignees.

The undersigned has signed this Patent Assignment effective as of April 4, 2004.

Motorola, Inc.:

Mug

Name: Jonathan P. Meyer

Title: Senior Vice President and Assistant General Counsel

STATE OF <u>Illinois</u>
COUNTY OF <u>COOK</u>

On 12/10/04 before me, GABRIELLE RICHARDS (the undersigned notary), personally

appeared Jonathan P. Meyer personally known to me (or proved to me on the basis of satisfactory evidence) to be the person whose name is subscribed to the within instrument and acknowledged to me that he executed the same in his authorized capacity, and that by his signature on the instrument the person, or the entity upon behalf of which the person acted, executed the instrument.

WITNESS my hand and official seal this 10-th day of December, 2004.

My Commission Expires:

OFFICIAL SEAL
GABRIELLE RICHARDS
NOTARY PUBLIC, STATE OF ILLINOIS
MY COMMISSION EXPERS: 08/05/05

Notary Public Signature

Printed Name of Notary Public

EXHIBIT A -SCHEDULE 1.

INTELLECTUAL PROPERTY ASSIGNMENT AGREEMENT

EXHIBIT A - LISTING OF PRINCIPAL ASSIGNED INTELLECTUAL PROPERTY

SCHEDULE 1: ASSIGNED PATENTS

A. Assigned SPS Patents

	Patent Number Grant Date Title	336 A HERMETICALLY SEALED INTERFACE	341 SEMICONDUCTOR CARRIER ASSEMBLY	956 02/24/04 METHOD AND APPARATUS FOR PHRASE SYNCHRONIZING A PLURALITY OF MICROCONTROLLERS OF A DISTRIBUTED MICROCONTROLLER NETWORK IN A BRAKE-BY-WIRE AUTOMOBILE BRAKING SYSTEM	306 10/09/01 METHOD AND APPARTUS FOR GENERATING A SHORT-RANGE WIRELESS DATA COMMUNICATION LINK	427 07/21/98 FEEDBACK AND SHIFT UNIT	566 07/14/98 CYCLIC REDUNDANCY CODER	631 01/27/87 ELECTROSTATICALLY SEALED PIEZOELECTRIC DEVICE	312 03/05/91 SUPERCONDUCTING THICK FILM	578 06/09/92 ELECTRICAL COMPONENT PACKAGE COMPONENT PACKAGE COMPRISING POLYMER-REINFORCED SOLDER
Granted	Docket Number Pate	AP01203 5173836	AP01288 5386341	AP5036ES 6697956	BW00031 6301306	CE30084P 578427	CE30085P 5781566	CM00120E 4639631	CM00153F 4997812	CM00216FI 5120678
Status Description Granted	Country Code	USA	USA	USA	USA	NSA	USA	USA	USA	USA

AUTOMATIC SCAN-BASED TESTING OF COMPLEX INTEGRATED CIRCUITS.	APPARATUS AND METHOD FOR DIGITAL CONTROL SYSTEMS	MAGNETIC NANOMATERIALS AND SYNTHESIS METHOD	CLOCK SYNCHRONIZATION IN A DISTRIBUTED SYSTEM	INSTRUCTION CACHE AND METHOD FOR REDUCING MEMORY CONFLICTS	APPARATUS AND METHOD FOR SCHEDULING TASKS IN A COMMUNICATIONS NETWORK	CHANNEL ESTIMATION IN A RADIO RECEIVER	PLL ARRANGEMENT CHARGE PUMP METHOD AND MOBILE TRANSCEIVER	A METHOD AND APPARATUS FOR GAIN CALIBRATION.	INFORMATION COMMUNICATION CONTROLLER INTERFACE APPARATUS AND METHOD.	LOW DROP-OUT VOLTAGE REGULATOR	COMMUNICATION NETWORK AND ARRANGEMENT FOR USE THEREIN
10/01/02	11/25/02	02/06/03	07/24/02	03/03/03	04/02/03	01/20/03	11/25/02	. 06/25/03	11/11/02	02/12/03	11/01/02
PCT/EP02/10998	PCT/EP02/13195	PCT/EP03/01165	PCT/EP02/08261	PCT/EP03/02222	PCT/EP03/03437	PCT/EP03/00522	PCT/EP02/13199	PCT/EP03/06753	PCT/EP02/12821	PCT/EP03/01367	PCT/EP02/12276
SC0933ET	SC0940EC	SC0945ET	SC0952EM	. SC0956EI	SC0965EG	SC0973EI	SC0975EC	SC0978EG	SC0979EK	SC0981ET	SC0982EM
PCT	PCT	PCT	PCT	PCT	PCT	PCT	PCT	PCT	PCT	PCT	PCT

RESONATOR	MODULE SYSTEM AND METHOD FOR TESTING A PHASE LOCKED LOOP	A METHOD AND APPARATUS FOR GAIN CALIBRATION.	INFORMATION COMMUNICATION CONTROLLER INTERFACE APPARATUS AND METHOD.	METHOD FOR TRANSMITTING SIGNAL S BETWEEN A MICROPORCESSOR AND AN INTERFACE	SELF-ROUTING STAR-COUPLER-BASED COMMUNICATION NETWORK	SYSTEM AND METHOD FOR CONTROLLING BUS ARBITRATION DURING CACHE MEMORY BURST CYCLES	ARRANGEMENT SYSTEM AND METHOD FOR VECTOR PERMUTATION IN SINGLE-INSTRUCTION MULTIPLE-DATA MICROPROCESSORS.	METHOD AND ARRANGEMENT FOR I-Q BALANCING AND RADIO RECEIVER INCORPORATING SAME	CIRCUIT AND METHOD FOR SUPPLYING AN ELECTRICAL AC LOAD	ARRANGEMENT AND METHOD FOR CONNECTING A PROCESSING NODE IN A DISTRIBUTED SYSTEM
06/05/97	10/01/02	07/05/02	02/20/02	09/29/97	03/22/02	05/15/02	10/23/02	06/18/03	12/20/02	08/02/03
97109105.3	.222686.8	215582.8	204044.2	97116850.5	206732	324805.1	224627	314202.3	229878.4	318256.5
SC09767T	SC0977EI	SC0978EG	SC0979EK	SC09814C	SC0983EM	SC11433TH	SC12303EM	SC12328EC	SC12331ER	SC12401EM
GBRI	GBRI	GBRI	GBRI	GBRI	GBRI	GBRI	GBRI	GBRI	GBRI	GBRI